

EXHIBIT 10

***REDACTED VERSION
OF DOCUMENT
SOUGHT TO BE SEALED***

EXHIBIT 10

HIGHLY CONFIDENTIAL - ATTORNEYS' EYES ONLY

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

WAYMO LLC,

Plaintiff,

vs.

Case No.

UBER TECHNOLOGIES, INC.; 17-cv-00939-WHA

OTTOMOTTO, LLC; OTTO

TRUCKING LLC,

Defendants.

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VIDEOTAPED DEPOSITION OF PAUL FRENCH

San Francisco, California

Tuesday, October 3, 2017

Volume I

REPORTED BY:

REBECCA L. ROMANO, RPR, CSR No. 12546

JOB NO. 2715705

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1 MR. BAKER: Object to the form. 03:31:35

2 THE DEPONENT: I'm sorry, say that one
3 more time.

4 Q. (By Mr. Boock) Is it your opinion that
5 at this stage of the investigation, 03:31:39
6 Anthony Levandowski was not a focus of the
7 investigation?

8 A. I don't believe he was a focus.

9 Q. Okay. All right. Turning to
10 paragraphs 30 through 32 -- well, we'll go to 30, 03:32:00
11 but there it is -- that "On August 23rd, 2016, the
12 forensics team met with attorneys and other
13 investigators to discuss the ongoing investigation.
14 That same day, Mr. Pfyl created a tracking document
15 to coordinate the investigation entitled "Chauffeur 03:32:19
16 Departures Investigation."

17 And who were they -- who -- who was Waymo
18 looking at? What -- what employees were they
19 looking at at that point in the investigation?

20 A. I don't recall. 03:32:41

21 Q. Was it employees who were leaving Waymo
22 for Ottomotto?

23 A. I don't know.

24 Q. The next in order was 3008, you said?

25 MR. BAKER: Yes. 03:33:15

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1 [REDACTED] [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

10 So looking at this, would you agree that 03:35:13

11 investigation [REDACTED]

[REDACTED]

[REDACTED]?

14 A. Yes.

15 Q. Would you agree that the focus of the 03:35:37

16 investigation was on Anthony Levandowski?

17 MR. BAKER: Objection to form.

18 THE DEPONENT: Well, to me, this appears

19 the focus was on him [REDACTED]

[REDACTED] 03:35:49

21 Q. (By Mr. Boock) In terms of the --

22 there's discussion about the technology that

23 Anthony developed and built much of while still an

24 employee of Chauffeur.

25 It doesn't refer to [REDACTED] 03:35:59

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1 investigations, is it appropriate for outside 04:37:58
2 counsel to be providing facts to Waymo and Waymo
3 asking outside counsel what the sources of those
4 facts are?

5 A. Absolutely. I have seen it done many 04:38:15
6 times.

7 Q. Well, is it -- does it appear that
8 Waymo's conducting investigation or the
9 Keker & Van Nest firm is conducting the
10 investigation? 04:38:27

11 A. Waymo is conducting the investigation.

12 Q. And when -- when you see that Mr. Gorman
13 has undertaken investigative steps such as those
14 identified in the email we have been discussing at
15 page 86896 and Gary Brown doesn't even know where 04:38:39
16 the source of that information is coming from, you
17 don't think that Keker is doing any of the
18 investigation on its own?

19 A. What I believe is Keker is getting access
20 to information that Mr. Brown may not have access 04:38:55
21 to or may not even know about, because, you know,
22 Mr. Gorman's at a higher-level investigation. He
23 sees the bigger picture of what -- of what Waymo
24 needs as far as figuring out the fact pattern, and
25 so it's not uncommon for the attorneys and the 04:39:15

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1 legal folks to get access to documents and logs and 04:39:19
2 pass them down to other parts and other individuals
3 and other divisions. Especially in a large
4 company, I have seen that on numerous occasions.

5 Q. Well, then, based on this, would you 04:39:33
6 agree, then, that Mr. Gorman is telling the
7 investigators at Waymo what -- what happened with
8 Mr. Levandowski?

9 A. No, not at all. He's providing a log to
10 them and then asking them the question to, you 04:39:45
11 know, inspect this further, see what it means.

12 Q. Well, and he says "isn't this
13 suspicious," doesn't he?

14 A. Well, that's a question. I mean, that's
15 not -- to me, that's not him imparting, like, 04:39:56
16 knowledge on someone. It's like, you know, hey,
17 did you see that car speeding down the road --

18 Q. Is it --

19 A. -- is that suspicious?

20 Q. Is it your testimony -- I'm sorry. I'm 04:40:09
21 not -- I'm not reading it inaccurately.

22 Is it your testimony that when someone
23 writes "that's pretty suspicious, right?" that that
24 is not an inference that there might be some
25 suspicion attributed to that activity? 04:40:20

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1 I, Rebecca L. Romano, a Certified Shorthand
2 Reporter of the State of California; do hereby
3 certify:

4 That the foregoing proceedings were taken
5 before me at the time and place herein set forth;
6 that any witnesses in the foregoing proceedings,
7 prior to testifying, were administered an oath;
8 that a record of the proceedings was made by me
9 using machine shorthand which was thereafter
10 transcribed under my direction; that the foregoing
11 transcript is true record of the testimony given.

12 Further, that if the foregoing pertains to the
13 original transcript of a deposition in a Federal
14 Case, before completion of the proceedings, review
15 of the transcript [] was [x] was not requested.

16 I further certify I am neither financially
17 interested in the action nor a relative or employee
18 of any attorney or any party to this action.

19 IN WITNESS WHEREOF, I have this date
20 subscribed my name.

21 Dated: October 4, 2017

22
23 

24 Rebecca L. Romano, RPR,
25 CSR. No 12546